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Elzie, Teri L

From: Zeisloft, James H Jr
Sent: Thursday, May 25, 2000 12:58 PM
To: 'Tom_OBrien@r1.fws.gov'
Cc: danl@timpt.nezperce.org; Teel, Darci D; gadbois.larry@epa.gov; Zeisloft, James H Jr; jjakabos@or.blm.gov; JMCC461@ECY.WA.GOV; jrwilkinson@ctuir.com; Nick.ladanza@noaa.gov; Preston_Sleege@ios.doi.gov; Susan.C.Hughs@state.or.us; Elzie, Teri L; tom_obrien@mail.fws.gov; VIGUELAV@dfw.wa.gov
Subject: RE: 1100 Area PAS

Tom,

You talk about the essence of the PAS, but you're not talking about the NRTC work group's PAS, you're talking about your version. We're apparently still worlds apart on these issues. RL has made it's position on these issues very clear. As such, I don't know why you ever thought DOE would agree to such language. The NRTC work group didn't even agree with the wording you're proposing. You're ignoring what we've said and what the work group has done and it's hindering progress. Yes, I agree we need a conference call. But it looks like we're headed for another split. Which is acceptable if need be. But let's not delay actions unnecessarily.

And your tactic makes no sense. The CERCLA remediation process is complete, no additional cleanup will be performed (the deletion of the 1100 Area should have made this clear). So how can you claim significant injury (or potential) and not make the determination to move forward? If damage assessment is not warranted, then the injury must not be that significant (which has been and still is DOE's position).

Let's schedule a conference call and, one way or another, complete this long overdue PAS/PAD.

Jamie

Jamie and Susan, I think we should have a conference call next week about the issues raised by Jamie so that we can finish the 1100 Area PAS(D). I don't know what language you are referring to Jaamie, as being objectionable to some or all, but perhaps that can be removed as long as the essence of the PAS remains, that there has been a release of hazardous materials at this unit which continues and will continue into the future and is injuring trustee resources and that although the trustees may not be intending to conduct a damage assessment, the trustees still intend that the CERCLA process be followed and that the issues of the trustees are addressed. I will object strongly if the final PAS is mute on these issues. I can't speak for the other trustees but I believe that we all want resolution on the DDT problems at Horseshoe Landfill, the TCE plume at Horn Rapids and other problems regarding Horn Rapids fixed.

Tom

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Susan,

I wouldn't worry too much about the signing process just yet. The PAD that you sent out is much more than just a "trimmed down 1100 Area PAS" as described in the meeting last week. The PAD also includes a significant amount of new wording designed to support a damage assessment. It also includes the kind of wording the NRTC Work Group worked so hard to avoid (i.e. knowingly unacceptable to one party or another). We need to go back to the NRTC Work Group's version to start with.

Jamie

Well, Tom and I had grandiose plans to get together this morning and get the 1100 Area PAS package together and out to you for comment. But now it's

Next week Tom and I will send this out with a draft cover letter with a proposed signing process. Jamie, you might want to route a copy of the last Council version of the PAS for comparison?

Thanks everyone. Talk to you next week.

Teri -- do you have an email address for Tom Zeilman? If so, please route this message to him.